

SYN. NO. \_\_\_\_\_

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

September 25, 2007

On July 2, 2007 the Regional Planning Commission approved Oak Tree Permit Number 03-035-(3). This oak tree permit is associated with a plot plan for a single-family home and is the only discretionary permit related to this case. At the last minute, the Regional Planning Commission imposed an additional requirement, Condition 1G, which effectively requires the home to be relocated nearly 200-feet from its proposed location in order to confine all Fire Department-mandated brush clearance to the subject property.

As a general matter, I agree with the Commission's desire to avoid subjecting neighboring properties to brush clearance for new development and believe that this is an appropriate use of the Commission's authority and discretion. However, according to Regional Planning staff and the applicant, there is substantial evidence that the application of this condition in this particular circumstance may cause disproportionate damage to the environment through increased grading and may force the applicant to site the home in a location that would be more visible to the surrounding community. Accordingly, the applicant has filed an appeal to the Board of Supervisors and is requesting that this matter be referred back to the Regional Planning Commission for their further consideration. I believe that such a rehearing is appropriate given the

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circumstances of this case.

**I, THEREFORE, MOVE** that, pursuant to County Code section 22.60.250, the Board of Supervisors refer this matter back to the Regional Planning Commission for a new hearing to be held in no more than 45 days, with instructions to reconsider Condition 1.G of Oak Tree Permit 03-035-(3) with specific regard as to whether requiring the applicant to relocate the approved home in order to comply with this condition is the environmentally preferable option given the topography of the site, the amount of grading and site-disturbance that this change would cause, and the potentially increased visibility of the home if this change were to be required.

**I FURTHER MOVE** that the Board of Supervisors request the Department of Regional Planning to provide a staff recommendation to the Regional Planning Commission regarding the above-mentioned issues and any other matters that are deemed appropriate by the Planning Director.

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